

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	
	)	No. CR-08-017-RHW
Plaintiff,	)	
	)	ORDER GRANTING DEFENDANT'S
v.	)	MOTION TO REVISIT ISSUE OF
	)	DETENTION AND SETTING
MARIO DANIEL IRIZARRY,	)	CONDITIONS OF RELEASE
	)	
Defendant.	)	

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At the March 13, 2008, hearing on Defendant's Motion to Revisit Issue of Detention, Assistant Federal Defender Amy H. Rubin appeared with Defendant; Assistant U.S. Attorney George Jacobs represented the United States. U.S. Probation Officer Shawn Kennicutt also was present and addressed the court. Family members appeared on behalf of Defendant.

The court, having considered the proffers of Defendant and Plaintiff, finds there is a combination of conditions that can be set to reasonably assure Defendant's future appearance. The pending charges are serious, Defendant has a criminal history, and he suffers from chemical dependency. The undersigned finds that Defendant is motivated to address chemical dependency problems.

**IT IS ORDERED** the Defendant's Motion (**Ct. Rec. 18**) is **GRANTED**. Defendant's release is subject to the following conditions:

1. **Prior to release, resolution of the outstanding warrant must be confirmed to the court.**

1        2. Prior to release, defense counsel shall provide  
2 information to Pretrial Services regarding Defendant's proposed  
3 Spokane residence and treatment information. Pretrial Services  
4 shall then prepare a Supplemental Pretrial Services Report. The  
5 United States shall have two days to respond to the Supplemental  
6 Report.

7        3. Defendant shall not commit any offense in violation of  
8 federal, state or local law. Defendant shall advise his supervising  
9 Pretrial Services Officer and his attorney within one business day  
10 of any charge, arrest, or contact with law enforcement.

11        4. Defendant shall advise the court and the United States  
12 Attorney in writing before any change in address.

13        5. Defendant shall appear at all proceedings and surrender as  
14 directed for service of any sentence imposed.

15        6. Defendant shall sign and complete form A.O. 199C before  
16 being released and shall reside at the address furnished.

17        7. Defendant shall remain in the Eastern District of  
18 Washington while the case is pending. On a showing of necessity,  
19 Defendant may obtain prior written permission to leave this area  
20 from the United States Probation Office.

21        8. Defendant shall have a curfew of 7:00 p.m. to 7:00 a.m.  
22 He can be employed only if permitted by substance abuse treatment  
23 provider.

24        9. Defendant shall not possess a firearm, destructive device  
25 or other dangerous weapon.

26        10. Defendant is further advised, pursuant to 18 U.S.C. §  
27 922(n), it is unlawful for any person who is under indictment for a  
28 crime punishable by imprisonment for a term exceeding one year, to

1 possess, ship or transport in interstate or foreign commerce any  
2 firearm or ammunition or receive any firearm or ammunition which has  
3 been shipped or transported in interstate or foreign commerce.

4 11. Defendant shall refrain from the use of alcohol, and the  
5 use or possession of a narcotic drug and other controlled substances  
6 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical  
7 practitioner. Defendant shall complete substance abuse treatment  
8 and shall be responsible for the cost of testing, evaluation and  
9 treatment unless the United States Probation Office should determine  
10 otherwise. The United States Probation Office shall also determine  
11 the time and place of testing and evaluation and the scope of  
12 treatment. Full mutual releases shall be executed to permit  
13 communication between the court, Pretrial Services, and the  
14 treatment vendor. If random urinalysis testing is not done through  
15 a treatment program, random urinalysis testing shall be conducted  
16 through Pretrial Services six (6) times per month.

17 12. Defendant shall report to the United States Probation  
18 Office before or immediately after his release and shall report as  
19 often as they direct, at such times and in such manner as they  
20 direct. Defendant shall contact his attorney at least once a week.

21 13. Defendant shall post a \$50,000 appearance bond, to be co-  
22 signed by his girlfriend and his sister.

23 **Defendant is advised a violation of any of the foregoing**  
24 **conditions of release may result in the immediate issuance of an**  
25 **arrest warrant, revocation of release and prosecution for contempt**  
26 **of court, which could result in imprisonment, a fine, or both.**  
27 **Specifically, Defendant is advised a separate offense is established**  
28 **by the knowing failure to appear and an additional sentence may be**

1 imposed for the commission of a crime while on this release. In  
2 this regard, any sentence imposed for these violations is  
3 consecutive to any other sentence imposed.

4 DATED March 14, 2008.

5  
6 S/ CYNTHIA IMBROGNO  
7 UNITED STATES MAGISTRATE JUDGE  
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